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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/657,497 | 09/08/2000 | John Selby Unite | JP920000171US1 | 2844 |
| 39903 | 7590 | 08/03/2005 | EXAMINER | |
| ANTHONY ENGLAND PO Box 5307 AUSTIN, TX 78763-5307 | | | MORGAN, ROBERT W | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3626 | |

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/657,497 | UNITE ET AL. |
| | Examiner | Art Unit |
| | Robert W. Morgan | 3626 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 March 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-6,8-11,13,14 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-6,8-11,13,14 and 21-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/9/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice of Applicant

1. In the amendment filed 3/30/05 the following has occurred: Claims 1, 6, 10, 21, 22 and 24 have been amended and claim 15, 16, 18 and 19 have been canceled. Now claims 1, 2, 4-6, 8-11, 13-14, and 21-25 are presented for examination.

Information Disclosure Statement

2. The information disclosure filed 8/9/04 has been acknowledged and entered in the application.

Claim Rejections - 35 USC § 101

3. The rejection under 35 USC § 101 has been withdrawn by the Examiner based on the changes made by the Applicant to the claims

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-6, 8-11, 13-14, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "A Guide To The Project Management Body Of Knowledge" By William R. Duncan in view of U.S. Patent No. 6,381,610 to Gundewar and U.S. Patent No. 5,890,130 to Cox, for substantially the same reasons given in the previous Office Action (12/30/04). Further reasons appear below.

(A) Claims 2, 4-5, 8-9, 11, 13-14, 23 and 25 have not been amended, and are rejected for the

same reasons given in the previous Office Action (12/30/04), and incorporated herein. Further reasons appear hereinbelow.

(B) Claims 1, 6, 10 and 21 have been amended to now recite the step of “data representing the linked process inputs and outputs provides a schedule of the processes for building and operating infrastructure for the event” and “dependencies among teams having an impact on the schedule are identified; and wherein, to identify schedule risk, risk factors . . . are assigned to the process and the system generates a list of the process for each team’s process stream”.

(C) As per this limitation, Cox teaches workflow model in Fig. 5, for example a flowgraph for a credit request that shows the communication between the production and supplier departments and between the production department and shipping department and between production and accounting department (see: column 7, lines 35-59 and Fig. 5 and 12). In addition, Cox teaches a user can request a verbal description of responsibilities of each department that participates in the business workflow, which is stored as file in computer (10, Fig. 13) and a run-time model can be provided for each intra-company department represented on a time line (see: column 7, lines 60-63 and column 8, lines 55-67).

Other changes were apparently made to overcome 101 issues, but do not affect the scope of the claims in the manner applied by the Examiner in the prior Office Action.

Response to Arguments

6. Applicant's arguments filed 3/30/05 have been fully considered but they are not persuasive. Applicant's arguments will be addressed hereinbelow in the order in which they appear in the response filed 3/30/05.

(A) In the remarks, Applicants argue in substance that, (1) Cox does not teach or suggest

a set of sequentially-linked process assigned to a project team; and (2) Cox does not teach or suggest links spanning two or more “process streams” particularly since process streams are sets of sequentially-linked processes assigned to selected project teams.

(B) In response to Applicant’s argument that, (1) Cox does not teach or suggest a set of sequentially-linked process assigned to a project team and (2) Cox does not teach or suggest links spanning two or more “process streams” particularly since process streams are sets of sequentially-linked processes assigned to selected project teams. The Examiner respectfully submits the Cox reference teaches a flowchart with four types of arrows—request a product or service from supplier, agree to the request from customer, report completion of the requested goods or service to the customer, and accept the goods or services from supplier (see: column 6, lines 41-46, column 3, lines 47-66 and Fig. 5). The Examiner considers each of these actions to be sequentially linked. In addition, Cox teaches a workflow model in Fig. 5, for example a flowgraph for a credit request that shows the communication between the production and supplier departments and between the production department and shipping department and between production and accounting department (see: column 7, lines 35-59 and Fig. 5 and 12). Furthermore, Cox teaches that a user can request a verbal description of responsibilities of each department that participates in the business workflow, which is stored as file in computer (10, Fig. 13) and a run-time model can be provided for each intra-company department represented on a time line (see: column 7, lines 60-63 and column 8, lines 55-67). The flowchart clearly indicates that the process and steps assigned to each department are completed and Fig. 5 and 14 illustrate communication between departments that span two or more “process streams”, where considering the fact that a “process stream” may be nothing more than set of sequentially-linked

processes.

In addition, Applicant has provided no strict definition for term “process stream” and one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In addition, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a):

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (571) 272-6773. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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